

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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**In re: Methyl Tertiary Butyl Ether (“MTBE”)  
Products Liability Litigation**

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**Master File No. 1:00-1898  
MDL No. 1358 (SAS), M21-88**

**This Document Relates To:**

*California-American Water Company v. Atlantic  
Richfield Co., et al.*  
Case No. 04-CV-4974

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**EXXONMOBIL’S NOTICE OF MOTION FOR  
DETERMINATION OF GOOD FAITH SETTLEMENT**

PLEASE TAKE NOTICE that Defendants Exxon Mobil Corporation (individually and f/k/a Exxon Corporation and d/b/a ExxonMobil Refining & Supply Company, Exxon Chemical U.S.A., and ExxonMobil Chemical Corporation) and ExxonMobil Oil Corporation (individually and f/k/a Mobil Oil Corporation) (collectively, “ExxonMobil”) hereby move this Court for an order: (1) determining that the Settlement Agreement between Plaintiff in the above-captioned matter and ExxonMobil is a good faith settlement under California law; (2) for entry of judgment under Fed. R. Civ. P. 54(b); and (3) for such other, different, or additional relief that the Court deems just and proper. If the Court holds oral argument on this motion, it will take place at the Courthouse located at 500 Pearl Street, New York, New York 10007 at a date and time to be determined by the Court.

ExxonMobil makes this motion on the grounds that the settlement between ExxonMobil and Plaintiff is a reasonable, good faith settlement sufficient to bar claims by joint tortfeasor against ExxonMobil pursuant to California Code of Civil Procedure Section 877.6(c). This

Motion is based upon the accompanying memorandum of law and authorities cited therein, the Declaration of Jeffrey J. Parker and accompanying exhibits, the Document Filed Under Seal In Support Of ExxonMobil's Motion For Determination Of Good Faith Settlement, and all of the pleadings, records, and papers on file in this action, as well as such other oral and/or documentary evidence as may be presented at or before the time of the hearing of this Motion.

The following exhibits are submitted as attachments to the Declaration of Jeffrey J. Parker:

(1) this Court's Opinion and Order granting prior settling defendants' motion for good faith settlement determination issued on July 22, 2008; (2) "Memorandum of Law in Support of Settling Defendants' Motion for Determination of Good Faith Settlement" filed in support of prior settling defendants' motion for good faith settlement determination; and (3) the Redacted Settlement Agreement between California-American Water Company and Defendants Exxon Mobil Corporation (individually and f/k/a Exxon Corporation and d/b/a ExxonMobil Refining & Supply Company, Exxon Chemical U.S.A., and ExxonMobil Chemical Corporation) and ExxonMobil Oil Corporation (individually and f/k/a Mobil Oil Corporation).

Dated: December 6, 2010

Respectfully submitted,



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Company, Exxon Chemical U.S.A., and  
ExxonMobil Chemical Corporation) and  
ExxonMobil Oil Corporation (individually  
and f/k/a Mobil Oil Corporation)*